

Dean L. Engelhardt et al., Serial No.: 08/486,069 (Filed: June 7, 1995)

Page 149 [Amendment Under 37 C.F.R. §1.116 (In Response To The May 25, 2005 Office Action)  
-July 7, 2005]

1499, 1504-1516, 1518, 1520-1525, 1527, 1530-1539, 1541, 1544-1568, 1570-1585, 1587, 1592-1612, 1614-1615, 1618-1621, 1623-1628, 1631-1632, 1635-1647, 1649-1656, 1658, 1660-1667, 1670-1677, 1679-1680, 1682, 1685-1773 and 1775-1796.

## II. Claim Changes

### A. *Claim Cancellations*

As discussed at the June 29, 2005 interview, Applicants have canceled claims 1500-1503. These claims had been rejected in the May 25, 2005 Office Action for NEW MATTER directed to the chemical linkages specified as an olefinic bond, various amines, etc. to other nucleotide or nucleotide analog structures other than attaching a Sig moiety to a BASE moiety. See pages 4-5 of the May 25, 2005 Office Action.

### B. *Claim Amendments*

Claims 1436-1439 and 1441-1442 have each been amended in an effort to define Applicants' invention more clearly. These claims had also been rejected for vagueness and indefiniteness in the May 25, 2005 Office Action (pages 7-8) for setting forth without clear antecedent basis the phrase "said nucleotide structure or nucleotide analog structure (i)." This matter including the new claim language was also discussed at the June 29, 2005 interview.

It is believed that none of the foregoing amendments to the claims raises any issue of new matter. Entry of these claim amendments and the claim cancellations is respectfully requested.

Before addressing the issues that were discussed at the June 29, 2005 interview, Applicants wish to express their gratitude for the courtesy and time extended by Examiners Ardin H. Marschel and Michael Woodward to Applicants' representative, Eugene C. Rzucidlo, Esq. of the law firm,

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Greenberg Traurig, Robert M. Schulman, Esq. of the law firm, Hunton & Williams, and their undersigned attorney.

**III. Substance of the June 25, 2005 Interview**

Several matters were discussed at the June 25, 2005 interview.

**A. Missing Substance of the September 21, 2004 Interview (May 25, 2005 Office Action, Page 4)**

The first matter discussed at the June 29, 2005 interview was Applicants' missing substance of the April 1, 2004 interview. At the June 29, 2005 interview, Applicants' attorney presented a paper titled "Substance of the April 1, 2004 Interview" and designated as Exhibit 1 (3 pages). It was indicated that the remarks contained in this paper were culled from Applicants' July 13, 2004 Supplemental Amendment. The substance was made of record in the application. For the sake of completeness, a copy of Applicants' Substance of the April 1, 2004 Interview (Exhibit 1) is submitted with this paper, also as Exhibit 1.

INT. SUM. OK  
9-5-05

**B. New Matter Rejection**

- 1) claims 1500-1503 directed to linkages of Sig attached to phosphate and sugar (May 25, 2005 Office Action, Pages 4-5)

At the June 25, 2005 interview, Applicants' attorney presented a paper designated Exhibit 2 (3 pages) in which the cancellation of claims 1500-1503 was offered and briefly discussed. Exhibit 2 was made of record in the application.

- 2) claims 1723-1724, 1740-1741, 1769-1773, 1775 & 1796 directed to different or same indicator molecules (pages 5-7)

The matter of the "same or different indicator molecules" was discussed next at the June 25, 2005 interview. Applicants' attorney presented a list of the claims directed to different or same indicator molecules that had been rejected in the May 25, 2005 Office Action. The list was designated Exhibit 3 (3 pages) and was made of record. Applicants' representative pointed to several portions in the '069 specification that support the use of different or same indicator

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